

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

CANDICE MICHELLE HARDWICK)
by and through her Parents and Guardians)
DARYL LEWIS HARDWICK and)
PRISCILLA LEA HARDWICK;)
Plaintiffs,) CIVIL ACTION NO: 4:06 1042-TLW
vs.)
MARTHA HEYWARD in her)
individual capacity and in her official)
capacity as Principal of Latta Middle)
School;)
GEORGE H. LIEBENROOD, JR.,)
In his individual capacity and in his)
official capacity as Principal of)
Latta High School, and the)
Board of Trustees of Latta School District)
(Dillon County No. 3),)
Defendants.)

The Plaintiffs, Candice Michelle Hardwick, Daryl Lewis Hardwick and Priscilla Lea Hardwick, by and through their undersigned counsel of record, concur with Defendants that if Court consideration of the defense of qualified immunity is unnecessary due to its findings set forth in said Order of September 8, 2009, that the Order be amended to so state.

However, Plaintiffs aver that the Court's finding of no constitutional violations by the Defendants makes the defense of qualified immunity by the individual Defendants moot and irrelevant. The Defendants have their cake, let them eat it and be satisfied.

Respectfully submitted,

LAW OFFICES OF LOURIE A. SALLEY, III

By /s/ Lourie A. Salley
Lourie A. Salley, III
Federal Identification No.: 4792
821 East Main Street, Suite A
Lexington, South Carolina 29072
Telephone: (803) 957-1036
Telefax: (803) 957-8477
lasalley@windstream.net

SOUTHERN LEGAL RESOURCE CENTER, INC.

By: /s/ Kirk D. Lyons
Kirk David Lyons
Pro Hac Vice
Federal Identification No.: 8472
Post Office Box 1235
Black Mountain, North Carolina 28711
Telephone: (828) 669-5189
Telefax: (828) 669-5191
slrc@slrc-csa.org

ATTORNEYS FOR THE PLAINTIFF

Lexington, South Carolina

October 6, 2009

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Plaintiffs Response to Defendant's Motion for Additional Findings, Pursuant to Rule 52(b), Fed. R. Civ. P., has been sent to Vinton Lide dee@lidelaw.com, Post Office Box 2189, Lexington, South Carolina 29072 and Vernie Williams vwilliams@childshalligan.net, The Tower at 1300 Gervais, Suite 900, Columbia, South Carolina 29201, counsel of record for the Defendants, by electronic transmission and U.S. Postal Service on this, the 6th day of October, 2009.

S/Kirk D. Lyons